

taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

§ 460n-9. Authorization of appropriations

There are hereby authorized to be appropriated not more than \$7,100,000 for the acquisition of land and interests in land pursuant to section 460n-1 of this title.

(Pub. L. 88-639, §10, Oct. 8, 1964, 78 Stat. 1041; Pub. L. 93-477, title I, §101(12), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “\$7,100,000” for “\$1,200,000”.

SUBCHAPTER LXXIII—DELAWARE WATER GAP NATIONAL RECREATION AREA

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 1274 of this title.

§ 460o. Establishment

In order to further the purposes of the joint resolution approved September 27, 1961 (re Delaware River Basin compact; 75 Stat. 688), and to provide in a manner coordinated with the other purposes of the Tocks Island Reservoir project, for public outdoor recreation use and enjoyment of the proposed Tocks Island Reservoir and lands adjacent thereto by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, the Secretary of the Interior is authorized, as herein provided, to establish and administer the Delaware Water Gap National Recreation Area, hereinafter referred to as the “area”, as part of the Tocks Island Reservoir project, hereinafter referred to as “the project”.

(Pub. L. 89-158, §1, Sept. 1, 1965, 79 Stat. 612.)

REFERENCES IN TEXT

The joint resolution approved September 27, 1961, referred to in text, is Pub. L. 87-328, which was not classified to the Code.

DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

Pub. L. 100-573, Oct. 31, 1988, 102 Stat. 2890, provided that:

“SECTION 1. ESTABLISHMENT OF COMMISSION.

“There is established a commission to be known as the ‘Delaware Water Gap National Recreation Area Citizen Advisory Commission’ (hereafter in this Act referred to as the ‘Commission’). The Commission shall advise the Secretary of the Interior on matters pertaining to the management and operation of the Delaware Water Gap National Recreation Area, as well as on other matters affecting the recreation area and its surrounding communities.

“SEC. 2. MEMBERSHIP OF COMMISSION.

“(a) APPOINTMENT.—The Commission shall be composed of the following 11 members appointed not later than 60 days after the date of the enactment of this Act [Oct. 31, 1988] from among persons with knowledge of the recreation area:

“(1) 2 members appointed by the Secretary of the Interior (hereafter in this Act referred to as the ‘Secretary’).

“(2) 2 members appointed by the Secretary from among residents of New Jersey nominated by the Governor of New Jersey.

“(3) 2 members appointed by the Secretary from among residents of Pennsylvania nominated by the Governor of Pennsylvania.

“(4) 1 member appointed by the Secretary from among the residents of each of the following counties nominated by the county administrator of each such county: Sussex County, New Jersey, Warren County, New Jersey, Pike County, Pennsylvania, Monroe County, Pennsylvania, and Northampton County, Pennsylvania.

The Secretary shall ensure that the membership of the Commission is fairly balanced in terms of the points of view represented and the functions to be performed by the Commission.

“(b) TERMS.—Members shall be appointed to the Commission for a term of 4 years. A member may serve after the expiration of his term until his successor has taken office.

“(c) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made.

“(d) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

“(e) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission.

“(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

“(g) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

“(h) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776) [set out in the Appendix to Title 5, Government Organization and Employees], are hereby waived with respect to this Advisory Commission.

“SEC. 3. POWERS OF COMMISSION.

“(a) HEARINGS.—The Commission may, for the purpose of carrying out its functions under section 1, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

“(b) MEETINGS WITH SECRETARY OF THE INTERIOR.—Members of the Commission shall meet with the Secretary of the Interior or his designee at least once every 6 months. Such meetings shall be open to the public and shall be held at such times and in such places as to encourage public participation. The Commission shall provide the public with adequate notice of such meetings.

“(c) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operation.

“(d) ASSISTANCE FROM FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head make any of the facilities and services of such agency or instrumentality available to the Commission.

“(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

“SEC. 4. REPORTS.

“The Commission each year shall transmit to the Secretary of the Interior and to each House of the Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

“SEC. 5. TERMINATION OF COMMISSION.

“The Commission shall terminate on the date that is 10 years after the date of the enactment of this Act [Oct. 31, 1988].

“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as may be necessary to carry out this Act.”

§ 460o-1. Acquisition of lands

(a) Authority of Secretary of Army; transfer of jurisdiction over lands to Secretary of the Interior; authority of such Secretary; retention of use and occupancy rights; termination and transfer of authority and funds; acquisition priorities

The Secretary of the Army is authorized and directed to acquire, by such means as he may deem to be in the public interest, and as a part of his acquisition of properties for the project, lands and interests therein within the boundaries of the area, as generally depicted on the drawing entitled “Proposed Tocks Island National Recreation Area” dated and numbered September 1962, NRA-TI-7100, which drawing is on file in the Office of the National Park Service, Department of the Interior. In acquiring these lands, the Secretary of the Army may utilize such statutory authorities as are available to him for the acquisition of project lands: *Provided*, That the Secretary of the Army shall acquire no lands or interests in land by exchange for lands or interests in land in Federal ownership unless the latter are in the States of Pennsylvania, New Jersey, or New York. Periodically, and as soon as practicable after such lands and interests within the area are acquired, the Secretary of the Army shall transfer jurisdiction thereover to the Secretary of the Interior for the purposes of this subchapter. Beginning on November 10, 1978, the Secretary of the Interior is authorized to acquire for purposes of the recreation area established under this subchapter all lands and interests therein within the exterior boundaries of the area depicted on the drawing referred to in this subsection (including any lands within such exterior boundaries designated for acquisition by the Secretary of the Army in connection with the project referred to in this subsection). In exercising such authority, the Secretary of the Interior may permit the retention of rights of use and occupancy in the same manner as provided in the case of acquisitions by the Secretary of the Army under subsection (d) of this section. On November 10, 1978, the acquisition authorities of any other Federal agency contained in this subsection shall terminate and the head of any other Federal agency shall transfer to the Secretary of the Interior jurisdiction over all lands and interests therein acquired by said agency under the authority of this subchapter, or any other authority of law which lands are within the exterior boundaries of the area depicted on the drawing referred to in this subsection. On November 10, 1978, all unexpended balances available to any other Federal agency for acquisition of land within the exterior boundaries referred to in the preceding sentence shall be transferred to the Secretary of the Interior to be used for such purposes. In carrying out his ac-

quisition authority under this section the Secretary shall give priority to the following:

(1) completion of acquisition of lands for which condemnation proceedings have been started pursuant to the authorization of the project referred to in this subsection;

(2) acquisition of lands of beneficial owners, not being a corporation, who in the judgment of the Secretary would suffer hardship if acquisition of their lands were delayed;

(3) acquisition of lands on which, in the judgment of the Secretary, there is an imminent danger of development that would be incompatible with the purposes of the recreation area;

(4) acquisition of lands of beneficial owners, not being a corporation, who are willing to sell their lands provided they are able to continue to use it for noncommercial residential purposes for a limited period of time which will not, in the judgment of the Secretary, unduly interfere with the development of public use facilities for such national recreation area, pursuant to the authorization for such area;

(5) acquisition of scenic easements when, in the judgment of the Secretary, such easements are sufficient to carry out the purposes for which such national recreation area was authorized; and

(6) acquisition of lands necessary to preserve the integrity of the recreation area.

(b) Omission of designated lands from area

Notwithstanding the provisions of subsection (a) of this section, the Secretary of the Interior is authorized, after consultation with appropriate public officials of the affected political subdivisions of the States of Pennsylvania or New Jersey, as the case may be, to designate not more than three hundred acres adjacent and contiguous to the Borough of Milford, Pennsylvania, and not more than one thousand acres in Sussex County, New Jersey, for omission from the Delaware Valley National Recreation Area and the lands so designated shall not be acquired for said national recreation area under authority of this subchapter.

(c) Extension of boundaries; study and report to Congress

The Secretary of the Interior shall investigate, study, and report to the President and the Congress on the feasibility and usefulness of extending the boundaries of the Delaware Water Gap National Recreation Area to include, in whole or in part, that portion of Tocks Island Reservoir which lies upstream from the northern terminus of the national recreation area as shown on the map hereinbefore referred to and lands adjacent to said portion of said reservoir. No such extension of boundaries, however, shall be made until authorized by Act of Congress.

(d) Noncommercial residential occupancy for life or fixed term of years; price for property; “improved residential property” defined; waiver of relocation assistance benefits or rights

The beneficial owner, not being a corporation, of a freehold interest acquired before January 1, 1965, in improved residential property within the